

1 **HOUSE JOINT RESOLUTION NO. 20**

2
3 (By Delegates Doyle and Moye)

4 Introduced January 18, 2011; referred to the
5 Committee on Constitutional Revision then the
6 Judiciary.]

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10 Proposing an amendment to the Constitution of the State of West
11 Virginia, amending Section twenty-four, article VI thereof,
12 relating to the procedure for appointing a member when
13 necessary to replace an elected or appointed member;
14 numbering and designating such proposed amendment; and
15 providing a summarized statement of the purpose of such
16 proposed amendment.

17 *Resolved by the Legislature of West Virginia, two thirds of*
18 *the members elected to each house agreeing thereto:*

19 That the question of ratification or rejection of an amendment
20 to the Constitution of the State of West Virginia be submitted to
21 the voters of the state at the next general election to be held in
22 the year 2012, which proposed amendment is that section twenty-
23 four, article VI thereof be amended, to read as follows:

24 **ARTICLE VI. THE LEGISLATURE.**

1 **§24. Rules governing legislative proceedings.**

2 A majority of the members elected to each House of the
3 Legislature shall constitute a quorum. But a smaller number may
4 adjourn from day to day, and shall be authorized to compel the
5 attendance of absent members, as each House may provide. Each
6 House shall determine the rules of its proceedings and be the judge
7 of the elections, returns and qualifications of its own members.

8 When it becomes necessary to replace an elected or appointed
9 member of either House, the appointment shall be as follows: (1)
10 The chairman of the state political party of the former member
11 shall immediately, but not later than two days after notice, call
12 a political party convention of the members of the political party
13 in the district of the former member; (2) the district political
14 party convention shall convene not later than sixty days after the
15 call and elect a member to replace the former member if the
16 Legislature is not in session: Provided, That if the Legislature
17 is in session, or called into session, the district political party
18 convention shall be held within five days of the call; and (3) if
19 the former member did not belong to a registered political party,
20 the member replacing the former member shall be appointed by
21 majority vote of the House in which the former member served taking
22 into consideration the recommendations of the other members, if
23 any, representing the district. The appointment shall be made not
24 later than five days after it is determined that a former member is

1 to be replaced if the Legislature is in session or upon the
2 convening of the next regular or special session if the Legislature
3 is not in session. The Senate shall choose, from its own body, a
4 president; and the House of Delegates, from its own body, a
5 Speaker. Each House shall appoint its own officers, and remove
6 them at pleasure. The oldest delegate in point of continuous
7 service present at the assembly of the Legislature at which
8 officers thereof are to be selected, and if there be two or more
9 such delegates with equal continuous service the one agreed upon by
10 such delegates or chosen by such delegates by lot, shall call the
11 House to order, and preside over it until the Speaker thereof shall
12 have been chosen, and have taken his seat. The oldest member of
13 the Senate in point of continuous service present at the assembly
14 of the Legislature at which officers thereof are to be selected,
15 and if there be two or more such members with equal continuous
16 service the one agreed upon by such members or chosen by such
17 members by lot, shall call the Senate to order, and preside over
18 the same until a President of the Senate shall have been chosen,
19 and have taken his or her seat.

20 *Resolved further,* That in accordance with the provisions of
21 article eleven, chapter three of the Code of West Virginia, 1931,
22 as amended, such proposed amendment is hereby numbered "Amendment
23 No. 1" and designated as the "Legislator Replacement Amendment,"
24 and the purpose of the proposed amendment is summarized as follows:

1 "To amend Section twenty-four, article VI of the State Constitution
2 to provide for a procedure when it becomes necessary to replace an
3 elected or appointed member of the House of Delegates or the
4 Senate."

NOTE: The purpose of this Joint Resolution is to amend the Constitution to provide a Constitutional procedure for the appointment of a member of the Legislature to replace a former member.

Strike-throughs indicate language that would be stricken from the present Constitution, and underscoring indicates new language that would be added.